

46 Am. Jur. 2d Judges § 79

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Judges

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VIII. Liabilities

B. Criminal Liability; Contempt

§ 79. Judges as subject to contempt

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West's Key Number Digest

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Judges generally may not be subjected to contempt citations solely for acting in excess of their jurisdiction or for entering either an erroneous ruling or one that is the result of misunderstanding, inadvertence, or confusion.¹

However, judges are not immune from a superior court's contempt powers.² They may be held in contempt by the superior court for a violation of rules made for the conduct of their office,³ or for actions contrary to an unambiguous order of a superior court of which they have been made aware, without proof of intent.⁴ The rule of judicial immunity may not be invoked in a contempt proceeding against a judge who obstructs the proceedings and hinders the administration of justice in another court in a matter of which it has jurisdiction if the conduct is calculated to destroy the authority, dignity, and integrity of the other court.⁵

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Footnotes

- 1 State ex rel. Schwartz v. Lantz, 440 So. 2d 446 (Fla. 3d DCA 1983).
- 2 State ex rel. Schwartz v. Lantz, 440 So. 2d 446 (Fla. 3d DCA 1983).
- 3 In re Mattera, 34 N.J. 259, 168 A.2d 38 (1961).
- 4 State ex rel. Schwartz v. Lantz, 440 So. 2d 446 (Fla. 3d DCA 1983).
- 5 McFarland v. State, 172 Neb. 251, 109 N.W.2d 397 (1961).

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